Application No. 10/741,305
Amendment dated
Response to Office Action of April 02, 2007

Atty. Docket No. 42.P18008
Examiner Mary J. Steelman
TC/A.U. 2191

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 5, 9, 13, 18, and 21 have been amended. Claims 4, 8, 12, 16, 17, 19, 20, and 22 have been canceled. Thus, claims 1-3, 5-7, 9-11, 13-15, 18, and 21 are pending.

Claim Rejection - 35 U.S.C. § 101 - Claims 9-11 and 13-15

Claims 9-11 and 13-15 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended independent claims 9 and 13 to satisfy the requirements of 35 U.S.C. § 101.

Claim Rejection - 35 U.S.C. § 112 ¶2 - Claims 1-3 and 9-11

Claims 1-3 and 9-11 were rejected under 35 U.S.C. § 112 ¶2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended independent claims 1 and 9 to satisfy the requirements of 35 U.S.C. § 112 ¶2.

Claim Objections

The Examiner objects to identifiers "local electronic device" and "remote electronic device." Applicants have changed these identifiers to "client device" and "server device" respectively.

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Claim Rejection - 35 U.S.C. § 103(a) - Claims 1-3 and 9-11

Claims 1-3 and 9-11 were rejected under 35 U.S.C. § 103(a) as being obvious

over U.S. Patent No. 6,609,005 issued to Chern (*Chern*) and U.S. Patent No. 6,741,853

issued to Jiang (*Jiang*). For at least the following reasons set forth below, Applicants

submit that claims 1-3 and 9-11 are not rendered obvious by *Chern* and *Jiang*.

Claim 1 as amended recites:
receiving, from the server device, a response including a profile query requesting
data corresponding to one or more static characteristics of the client device, one or
more dynamically changeable characteristics of the client device wherein the
dynamically changeable characteristics comprise one or more of:
a user preference profile stored by the client device and a connectivity
condition corresponding to a network connection used by client device,
and preference information of the client device wherein the preference
information corresponds to activity history of the client device;

Claim 9 as amended recites:
receive, from the server device, a response including a profile query requesting
data corresponding to one or more static characteristics of the client device, one or
more dynamically changeable characteristics of the client device wherein the
dynamically changeable characteristics comprise one or more of:
a user preference profile stored by the client device and a connectivity
condition corresponding to a network connection used by client device,
and preference information of the client device wherein the preference
information corresponds to activity history of the client device;

The amendments to the claims more particularly point out the information returned by the

user device. *Chern* fails to disclose this. Additionally, the Office Action points to *Chern*,

column 6 lines 36-37, as disclosing:

. . . receiving, from the remote electronic device, a response including a profile

query requesting data corresponding to one or more dynamically changeable

characteristics of the [client] device. . .

See page 4. The Office Action compares the claim language of claims 1 and 9 to *Chern's*

disclosure of a method where:

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"*User* at the client device may return to server limiting parameters or filters (changeable characteristics such as within a certain distance from the current location) to refine search results." (Emphasis added.)

See page 4. Applicant respectfully disagrees with this conclusion.

Changeable characteristics supplied by the user to refine search results are distinct from dynamically changeable characteristics of the client device. *Chern* discloses that the user refines search results based on the geographical preference of the user and types of businesses or services the user seeks to find. (See column 6 lines 38-62.) This does not teach or suggest what is claimed in claims 1 and 9.

Claims 1 and 9 have been amended to more particularly explain the phrase "dynamically changeable characteristics of the client device" as comprising of one or more of: "a user preference profile stored by the client device and a connectivity condition corresponding to a network connection used by client device."

Additionally, claims 1 and 9 have been amended to more particularly point out that "static characteristics" can be transmitted from the user device. Paragraph [0016] of the specification lists examples of static characteristics – "e.g. type of processor, type of browser." Furthermore, claims 1 and 9 have been amended to more particularly point out that a client-side routine gathers this type of information. This type of information can be supplied by the user, or it can be obtained through a batch-type script that requires no "user" activity to supply such information.

Additionally, the Office Action asserts *Chern* fails to disclose:

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... selectively transmitting, from the local electronic device, a request for the information including the data corresponding to the one or more dynamically changeable characteristics of the local electronic device based on one or more privacy constraints ...

Applicants agree that *Chern* fails to disclose this. To cure the defects of *Chern*, the Office Actions cites *Jiang* as disclosing:

"Communications are transmitted to determine location information of the client device (column 10, line 28)" and "Directory Service technology to implement the profile schemas (column 11 lines 36-42)."

See page 5. Whether or not *Jiang* discloses this, Applicants assert that *Jiang* does not cure the deficiencies set forth with respect to claims 1 and 9 as amended.

"Location information of the client device" is one type of a dynamically changeable characteristic. As explained above, claims 1 and 9 have been amended to more particularly explain the phrase "dynamically changeable characteristics of the client device" as comprising one or more of: "a user preference profile stored by the client device and a connectivity condition corresponding to a network connection used by client device." Applicants assert that *Jiang* is not cited by the Office Action to disclose these characteristics.

Additionally, *Jiang* appears to disclose the transmission of data corresponding to a limited set of preference information of some device. Column 11 lines 33-35 limit the information as "user preferences, network mobility patterns, administrative convenience, and network resource distributions." *Jiang* limits these terms further in column 11 line 43 – column 12 line 5. Claims 1 and 9 selectively transmit data according to three different sets of characteristics of the client device: static characteristics of the client device,

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dynamically changeable characteristics of the client device, and preference information of the client device. Applicants assert that *Jiang* is not cited by the Office Action to disclose this type of data transmission.

Therefore, the combination of *Chern* and *Jiang* is improperly motivated to teach or suggest claims 1 and 9. Even if combined, *Chern* and *Jiang* do not teach or suggest the client device transmitting data according to three different sets of characteristic of the client device: static characteristics of the client device, dynamically changeable characteristics of the client device, and preference information of the client device as claimed in claims 1 and 9.

Claims 2 and 3 depend from claim 1. Claims 10 and 11 depend from claim 9. Because dependent claims include the limitations of the claims from which they depend, applicants submit that *Chern* and *Jiang* cannot teach or suggest claims 2, 3, 10, and 11 for at least the reasons set forth above.

Claim Rejection - 35 U.S.C. § 102(e) - Claims 5-7, 13-15, 18, and 21

Claims 5-7, 13-15, 18, and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated *Chern*. Applicants respectfully submit that Applicants' invention as claimed in claims 5-8 and 13-22 are not anticipated by *Chern*.

Claim 5 as amended recites:
transmitting to the client device a response including a profile query requesting data corresponding to one or more static characteristics of the client device, one or more dynamically changeable characteristics of the client device wherein the dynamically changeable characteristics comprise one or more of:
a user preference profile stored by the client device and a connectivity condition corresponding to a network connection used by the client device,

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and preference information of the client device wherein the preference
information corresponds to activity history of the client device;

Claim 13 as amended recites:
transmit to the client device a response including a profile query requesting data
corresponding to one or more static characteristics of the client device, one or
more dynamically changeable characteristics of the client device wherein the
dynamically changeable characteristics comprise one or more of:
    a user preference profile stored by the client device and a connectivity
    condition corresponding to a network connection used by the client
    device,
and preference information of the client device wherein the preference
information corresponds to activity history of the client device;

The Office Action points to *Chern*, column 7 lines 34 and 40, as disclosing method

where:

    "Service device uses information (with changeable characteristics) to retrieve data

or information from a database (selected and/or formatted based on the data

corresponding to one or more dynamically changeable characteristics or the remote

electronic device)."

See page 7. Applicants respectfully disagree with this conclusion.

    To anticipate a claim, the reference must teach every element of the claim. *Chern*

appears to disclose data corresponding to "scripts or prompts . . . provided to the user to

refine the information requested." (See column 7 lines 34-35 and lines 37-41.) Claims 5

and 13 have been amended to more particularly explain the phrase "dynamically

changeable" which, as discussed above, is not what is disclosed in *Chern*. Also claims 5

and 13 have been amended to more particularly point out that data corresponding to

"static characteristics" can be transmitted by the client device. And as discussed above,

user interaction is not required to transmit these characteristics. Also, claims 5 and 13

have been amended to more particularly point out that data corresponding to preference

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information, wherein the preference information corresponds to activity history of the client device, can be transmitted by the client device. *Chern* is not cited to disclose this element of claims 5 and 13. Therefore, *Chern* cannot anticipate the invention as claimed in claims 5 and 13.

Claims 6 and 7 depends from claim 5. Claims 14 and 15 depends from claim 13. Because dependent claims include the limitations of the claims from which they depend, applicants submit that claims 6, 7, 14 and 15 are not anticipated by *Chern* for at least the reasons set forth above.

Claims 18 and 21 have been amended and depend on different independent claims. Claim 18 depends from claim 1. Claim 21 depends from claim 9. Because dependent claims include the limitations of the claims from which they depend, applicants submit that claims 18 and 21 are not anticipated by *Chern* for at least the reasons set forth above.

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CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-3, 5-7, 9-11, 13-15, 18, and 21 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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